

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

CHANEL BATTLE,
)
Plaintiffs,
)
v.
)
OUTBACK STEAKHOUSE OF
FLORIDA, LLC, OUTBACK
STEAKHOUSE, MERRILLVILLE,
INDIANA (a legal non-entity),
)
Defendants.
)

NOTICE OF REMOVAL

Defendants, Outback Steakhouse of Florida, LLC and Outback Steakhouse, Merrillville, Indiana (a legal non-entity), by counsel, Gregory M. Bokota of Garan Lucow Miller, P.C., respectfully notify this Court of the Removal of the above-captioned cause from the Lake Superior Court, State of Indiana, pursuant to 28 U.S.C. Section 1332(a), 28 U.S.C. Section 1441 and 28 U.S.C. 1446 and in support thereof, state as follows:

1. This action is being removed to the United States District Court for the Northern District Indiana, Hammond Division, on the basis of diversity of citizenship.

2. On February 11, 2009, Plaintiffs filed in the Lake Superior Court, State of Indiana, a Summons and Complaint in the above-titled civil action under Cause Number 45D04-1902-CT-000231. A copy of the Summons and Complaint are attached hereto.

3. A copy of the Complaint and Summons was served upon the Defendant, Outback Steakhouse of Florida, LLC on March 11, 2019. Pursuant to 28 U.S.C. 1446(b) this Notice of Removal is timely.

4. On March 14, 2019, the undersigned counsel filed his appearance on behalf of such Defendants. Pursuant to Lake County Local Rule 7(D), Defendants were granted an automatic extension of time to file their Answer up to and including April 12, 2019.

5. This action is a civil action for which this Honorable Court has jurisdiction pursuant to 28 U.S.C. 1332 (a)(1) and 1332(b), and is one that may be removed pursuant to U.S.C. Section 1441, as Plaintiff's claimed damages exceed \$75,000.00. The Plaintiff is a resident and citizen of Indiana. Defendant, Outback Steakhouse of Florida, LLC is a Florida Corporation with its principal place of business at 2202 North West Shore Blvd., Tampa, Florida 33607. The Lake Superior Court is within the venue of the United States District Court for the Northern District of Indiana, Hammond Division.

6. This Notice is being filed pursuant to 28 U.S.C. Section 1446(b) within the applicable time period for removal, and is removable as the time for filing such Notice has not yet expired.

7. The undersigned counsel discussed this matter with counsel for the Plaintiff. Based on that discussion and Plaintiff's settlement demand, Plaintiff's alleged damages exceed \$75,000.00.

WHEREFORE, Defendants, Outback Steakhouse of Florida, LLC, Outback Steakhouse, Merrillville, Indiana (a legal non-entity), by counsel, hereby notify this Honorable Court of the removal of this action from the Lake Superior Court, State of Indiana, to the United States District Court for the Northern District of Indiana, Hammond Division.

Respectfully submitted,

OUTBACK STEAKHOUSE OF FLORIDA, LLC
OTUBACK STEAKHOUSE, MERRILLVILLE,
INDIANA

By: /s/ Gregory M. Bokota
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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Michael Tolbert
Tolbert & Tolbert
1085 Broadway, Ste. B
Gary, IN 46402
Attorney for Plaintiff

/s/ Gregory M. Bokota
Gregory M. Bokota, #17021-45